

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 15, 2003

AMENDED IN SENATE JULY 3, 2003

AMENDED IN ASSEMBLY MAY 23, 2003

AMENDED IN ASSEMBLY MAY 5, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

AMENDED IN ASSEMBLY APRIL 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1301

**Introduced by Assembly Member Simitian
(Coauthor: Assembly Member Spitzer)**

February 21, 2003

An act to add Section 25658.2 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1301, as amended, Simitian. Alcoholic beverages and controlled substances: minors.

The Alcoholic Beverage Control Act prohibits the sale of alcoholic beverages to, or the purchase of alcoholic beverages by, persons under the age of 21 years. A violation of these requirements is a misdemeanor.

This bill would provide that a parent or legal guardian who knowingly permits his or her child, or a person in the company of the child, or both, who are under the age of 18 years, to consume an

alcoholic beverage or use a controlled substance at the home of the parent or legal guardian is guilty of a misdemeanor, if the parent knowingly permits that child or other underage person, after leaving the home of the parent or legal guardian, to drive a vehicle while he or she has a blood-alcohol concentration of 0.05% or greater, as measured by a chemical test, or is under the influence of a controlled substance, and that child or underage person is found to have caused a traffic collision.

Because a violation of this provision would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25658.2 is added to the Business and
2 Professions Code, to read:

3 25658.2. (a) A parent or legal guardian who knowingly
4 permits his or her child, or a person in the company of the child,
5 or both, who are under the age of 18 years, to consume an alcoholic
6 beverage or use a controlled substance at the home of the parent
7 or legal guardian is ~~guilty of a misdemeanor if the parent~~
8 ~~knowingly permits that child or other underage person, after~~
9 ~~leaving the parent's or legal guardian's home, to drive a vehicle~~
10 ~~while he or she has a blood-alcohol concentration of 0.05 percent~~
11 ~~or greater, as measured by a chemical test, or is under the influence~~
12 ~~of a controlled substance, and that child or underage person is~~
13 ~~found to have caused a traffic collision.~~ *guilty of misdemeanor if*
14 *all of the following occur:*

15 *(1) As the result of the consumption of an alcoholic beverage*
16 *or use of a controlled substance at the home of the parent or legal*
17 *guardian, the child or other underage person has a blood-alcohol*
18 *concentration of 0.05 percent or greater, as measured by a*
19 *chemical test, or is under the influence of a controlled substance.*

1 (2) *The parent knowingly permits that child or other underage*
2 *person, after leaving the parent's or legal guardian's home, to*
3 *drive a vehicle.*

4 (3) *That child or underage person is found to have caused a*
5 *traffic collision while driving the vehicle.*

6 (b) A person who violates subdivision (a) shall be punished by
7 imprisonment in a county jail for a term not to exceed one year, by
8 a fine not exceeding one thousand dollars (\$1,000), or by both
9 imprisonment and fine.

10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

